

Daryl Robertson, individually and as Personal Representative for the Estate of Ralpheal Robertson,)	C/A No. 5:19-cv-03166-SAL
)	
)	
)	
Plaintiff,)	OPINION & ORDER OF REMAND
v.)	
)	
South Carolina Department of Corrections,)	
)	
)	
Defendants.)	
)	

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. §

636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, under 28 U.S.C. § 1447(c), this case is hereby **REMANDED** to the Court of Common Pleas for Lee County, South Carolina.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

January 21, 2020
Florence, South Carolina